



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 03/23/00

Agenda Item 2

TO: PLANNING COMMISSION

FROM: Sheldon McClellan, Senior Planner

SUBJECT: Use Permit No. 99-160-31 – Surjit Singh (Applicant/Owner) – Request To Construct A Pump Island Canopy And A Raised Roof Structure Over The Mini-Mart, Replace The Pole Sign With A New Monument Sign, And Install New Landscape Planters, Lighting And Driveways - The Project Location Is 22690 Foothill Boulevard, Northeast Corner Of Foothill Boulevard And C Street In A CC-C (Central City – Commercial) Subdistrict.

RECOMMENDATION:

It is recommended that the Planning Commission find that the project is categorically exempt from environmental review, and approve the project subject to the attached findings and conditions.

DISCUSSION

Setting

The 10,200-square-foot (0.23 acre) site is located at the northeasterly corner of Foothill Boulevard and C Street with approximately 95 feet of frontage on Foothill Boulevard and approximately 120 feet of frontage on C Street. The parcel is developed with a legal non-conforming gas station and mini-mart that is presently closed due to site remediation of underground contaminated soil and water. The former underground tanks have been replaced with new tanks that meet current standards for double containment.

The site is at the edge of the downtown retail area. The uses to the north of the site include a furniture store and parking lot and other retail and office type uses. The property to the east is developed with a three-story Pacbell Telephone office and equipment building. South of the property across C Street is the I.D.E.S (social) Hall and single-family dwellings. Across Foothill Boulevard to the west is the Albertsons supermarket.

Proposal

The applicant proposes the reopening of the station after completing all required work. The property and structure will be upgraded and remodeled to bring the facility up to as many of

the current standards as possible. The minimart measures 18 feet by 40 feet (720 square-feet of floor area) and will provide convenience store items to service station patrons. The minimart would contain the following amenities: cashier area, separate men's and women's restrooms, a cooler, and a sales area with shelving and related storage. The former gas pump islands are to be replaced with two new islands, each having two pumps, for a total of four pumps. The applicant proposes that the facility be open 24 hours.

The underground storage tanks were removed in September 1998. A former operator, Exxon, is monitoring the soil and ground water for elevated levels of contaminants. It is uncertain at this time if the site contamination will be remediated prior to issuance of building permits. However, the City Hazardous Materials Program Coordinator indicates that with monitoring in place, re-use of the site should not pose any problems.

The site plan shows two underground storage tanks located in the front area of the site between the building and Foothill Boulevard. These tanks have been recently installed and comply with all new underground storage tank regulations.

The gas station was constructed in 1954 when a use permit was not required for service stations. The current CC-C Subdistrict zoning does permit service stations, subject to approval of a use permit. This project is subject to approval of a use permit.

Architecture/Design

The "boxy" appearing metal structure is to be enhanced by the addition of a roof cap composed of barrelled Monrier concrete terra cotta tile. The roof will extend beyond the building wall providing an overhang of 4.5 feet. New storefront glazing will be placed on the front elevation of the building which will no longer be flared out as is the present condition. The metal wall siding will be covered with stucco. Building access will remain on the Foothill Boulevard building facade. A second bathroom will be added to the mini-mart area to provide separate men and women's facilities and their access will be internal.

One of the major differences to be made to the property will be the erection of a fuel pump island canopy to cover the fueling operation. The canopy will consist of the same spanish-style roof tile as the mini-mart and will be supported by two stuccoed round columns that have a square base. The conditions of approval include a condition requiring that the canopy be extended to fully cover the concrete pad in order to meet State requirements. Lighting of the canopy is required by condition to be recessed within the ceiling panel so as to not produce brilliant light and glare.

Land Use

The project site is located within the CC-C (Central City-Commercial) Subdistrict, where service stations are subject to the approval of a conditional use permit. Since the service station has existed at this site for many years without the benefit of a use permit, it is necessary

to now bring the operation under the use permit provisions. Staff believes there will be no conflict between the continuation of the use and surrounding uses. Renovation of this facility will also enhance the immediate area and contribute to the area's economic viability.

Parking and Vehicular Circulation

Three parking stalls will be provided, including one stall for persons with physical disabilities, one to accommodate the service station staff and one for the air and water dispenser. Based on the City's Off-Street Parking Regulations for the downtown area, a total of 3 spaces are required for the proposed project. The Parking Regulations require a minimum of 1 space per 315 square feet of floor retail space. The proposed three parking spaces meets this parking requirement.

The number of pump islands originally located on the site prior to the remediation program has been reduced from 3 to 2 since there is inadequate area for the third island and provision of the 3 parking stalls as proposed on the site. With the reduction of one service pump island, there is adequate area to maneuver around the most northerly island (with car parked at the island) to exit the property onto Foothill Boulevard.

Trash/Recycle Service

A new covered 8-foot-high concrete block trash enclosure will be provided along the easterly property line. The structure will have solid metal gates and a built-up tar and gravel roof. The masonry block walls will be plastered both on the exterior and interior of the structure to match the color of the minimart building. The City Solid Waste Manager has requested minor modifications to the plans that include interior curbing, and a storage plan for recycling containers prior to issuance of a building permit.

Landscaping

A detailed landscape plan has not been submitted at this time, however, the site plan shows expanded areas for planting proposed along C Street, along the easterly property line, and the existing planter along the north property line. All landscaping is required to meet the City's landscaping requirements and standards for commercial development. The applicant is required to submit a detailed landscape and irrigation plan prepared by a licensed landscape architect for review and approval prior to issuance of a building permit.

Lighting

Lighting plans have not been submitted. Exterior lighting must be designed so that illumination is confined to the property and directed to reflect away from the residential uses located south of C Street. Staff recommends that a lighting plan be submitted for review and approval prior to issuance of a building permit. Said plan must comply with the Security Ordinance provisions and include building and pump canopy lighting.

Signs:

Within the Central-City Commercial Subdistrict, service stations are entitled to a maximum of 100 square feet of business identification, sales and service signs. Only one sign is proposed for the station. A single-sided monument sign, to be located at the corner of C Street and Foothill Boulevard is shown to be 4 feet by 8 ½ feet and inset into a solid base with stucco and decorative trim to match the building and canopy. The maximum structure is 8-feet tall and 10-feet long.

Environmental Review:

The proposal is categorically exempt per California Environmental Quality Act (CEQA) Guidelines Section 15301 Class 1(a)(e) (Repair, Minor Alterations of Existing Structures), Section 15303 Class 3(e) (Construction of New Small Facilities) and Section 15304 Class 4(b) (New Landscaping) of the CEQA Guidelines.


Public Notice:

On March 10, 2000, a Notice of Public Hearing was mailed to every property owner, business and resident within 300 feet of the property as noted on the latest assessor's records. and appropriate public agencies. No one has responded to the notice.

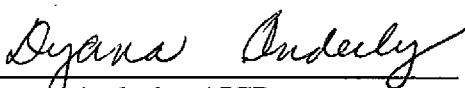
Conclusion:

The renovation of the service station with associated mini-mart and new pump island canopy and new landscaping will upgrade the area and will be an asset to the surrounding businesses and the City of Hayward. Staff believes that because of the project location and surrounding uses the service station will not adversely impact the area.

Prepared by:


Sheldon R. McClellan
Senior Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. - Area & Zoning Map**
- B. - Findings for Approval**
- C. - Conditions of Approval
Plans**

FINDINGS FOR APPROVAL
Use Permit Application No. 99-160-31
22690 Foothill Boulevard
Surjit Singh (Applicant/Owner)

Based on the staff report and the public hearing record:

1. That the Planning Commission find that the Categorical Exemption is appropriate under the California Environmental Quality Act Guidelines and reflects the independent judgment of the Planning Commission based on the fact that the project conforms to Section 15301 Class 1(a)(e) [Repair, Minor Alterations of Existing Structures], Section 15303 Class 3(e) [Construction of New Small Facilities] and Section 15304 Class 4(b) [New Landscaping] of the CEQA Guidelines
2. That the proposed use is desirable for the public convenience or welfare since the minor improvements to the gas station and mini-mart on the property will provide a vehicle fueling facility close to customers, employees and residents in the downtown core area.
3. That the project, as conditioned, will not impair the character and integrity of the Central City-Commercial Subdistrict zoning in that it is in character with the surrounding commercial development and uses, and will not conflict with existing uses.
4. That the project, as conditioned, will not be detrimental to the public health, safety, or general welfare as evidenced by the fact that it is in conformance with the Hayward General Plan land use designation and existing zoning district.
5. That the project is in harmony with applicable City policies as well as the intent and purpose of the zoning district in that the use will be compatible with commercial activity and provides additional commercial services desirable to city residents and commuters.

CONDITIONS OF APPROVAL
Use Permit Application No. 99-160-31
22690 Foothill Boulevard
Surjit Singh (Applicant/Owner)

1. The service station and mini-mart shall be constructed and operated in accordance with these conditions and plans approved by the Planning Commission on March 23, 2000, labeled Exhibit "A" as amended by these conditions of approval.
2. This approval is void one year after the effective date of approval unless the City Building Official has accepted a building permit as complete. Any modification to the approved plans shall require review and approval by the Planning Director.
3. The submission of building permit plans and construction deadlines for all work required per these conditions of approval shall be according to the following schedule:
 - a. The applicant shall apply for a building permit by May 1, 2000.
 - b. All construction work shall be completed within 120 days from the date of issuance of a building permit.
4. Before authorization for gas or electric service and occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
5. Prior to the issuance of a building permit or the installation of any improvements, a signed copy of a "Hazardous Waste and Substances Statement" shall be submitted to the Director of Community and Economic Development/Planning Director
6. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
7. Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.
8. Outside utility meters, when not enclosed in a cabinet, shall be screened allowing sufficient distance for reader access.
9. The trash enclosure area shall provide adequate area for storage of recyclable containers. The plans shall also indicate the number and type of refuse and recycling containers which will be used. for the storage of paper, glass/plastic/metal beverage containers, and other plastics where these materials are generated. The enclosure shall be accomplished to the satisfaction of the Solid Waste Manager prior to issuance of an occupancy permit.

10. Prior to issuance of a building permit, a drainage plan shall be submitted that shows the proposed storm drainage layout, length, size, and invert between catch basin(s). Structural control shall be installed into all inlets, to treat surface runoff prior to discharging into the storm drainage system. Area drains shall be per City Standard Detail SD-118 to collect surface run-off on the site. No surface run-off shall be permitted to flow over the sidewalk area.
11. Exterior light tubes shall not be used on the pump canopy, however, a recessed light box is allowed.
12. Prior to issuance of a building permit, the applicant shall submit a final sign program to the Director of Community and Economic Development/Planning Director for review and approval:
 - a. The sign program shall be in compliance with the these conditions and the Hayward Sign Regulations for the Central City-Commercial Zoning Subdistrict and regulations for signs at service stations, directional, informational, pump signs and all other proposed on-site signage.
 - b. Any exterior business identification sign to be located on the mini-mart building shall use individual channel letters.
 - c. The monument sign shall incorporate a design and materials that are consistent with the primary structure and shall not exceed eight feet in height.
 - d. Street address numbers shall be no less than 10 inches in height with a minimum 1/2-inch stroke width and of a contrasting color to the background. The address shall be visible from the public right-of-way. The color and design of the street address shall be compatible with the retail signs.
13. Prior to the issuance of the building permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's "Water Efficient Landscape Ordinance" and the follow requirements shall be met:
 - a. One 24" box street tree is required "C" Street. Tree species shall be approved by the City and planted according to the City Standard Detail SD-122.
 - b. All existing landscaping shall be removed and replaced with new.
 - c. Vines shall be incorporated on the sides of the trash enclosure.
 - d. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
 - e. In addition to the required street tree, 15 gallon trees spaced at 20 feet on center shall be planted in all perimeter landscape planters.
 - f. Shrubs shall be incorporated in the planters along all street frontages. The type and spacing of shrubs shall create a continuous 30" high hedge within two years.
 - g. Tall shrubs shall be planted along the 6' high chain link fence on the east property line.
14. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of

the inspection. Trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

15. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
16. Prior to Final Inspection the following shall be completed:
 - a. Landscaping shall be installed per the approved plans and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted.
 - b. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance; the parking stalls shall be striped. Any stalls that serve persons with physical disabilities or compact stalls shall be clearly marked accordingly.
 - c. All broken concrete curbing and sidewalks shall be replaced to the satisfaction of the City Engineer.
17. Prior to connection of utilities the driveway on C Street located closest to the intersection shall be removed and replaced with curb, gutter, sidewalk and tie-in paving to match existing improvements.
18. The property owner/management of the service station shall take necessary steps to assure the orderly conduct of employees, patrons, and visitors on the premises. Motorists shall be requested to refrain from playing radios to the degree that surrounding residents and commercial uses would be bothered. Loitering is not permitted.
19. Free air, water and window washing facilities shall be provided to the public during hours of operation.
20. Any inoperable vehicle shall be removed from the site within 48 hours.
21. All walls shall be treated with a graffiti sealant. All graffiti shall be removed within seven days after occurrence.
22. Public telephones shall be placed within the building or within 15 feet of the building entrance. When placed on the outside of the building, the telephones shall be limited to outgoing calls only. The location of the phones shall be to the satisfaction of the Police Department.
23. Signs approved by the Police Chief shall be posted indicating that loitering is prohibited. Management shall discourage patrons and visitors from loitering in public rights-of-way, parking areas, and in front of adjacent properties.
24. The sale of alcoholic beverages is strictly prohibited unless a conditional use permit for new establishments shall be obtained.
25. A security camera(s) shall be placed in a position that will cover the exterior of the front door and allow the employee to see who is approaching the business.

26. If the owner/operator decides to stock adult videos and/or magazines, the display shall be placed behind the counter.
27. The facility shall be made handicapped accessible in compliance with Title 24 and ADA requirements.
28. The premises shall be kept clean, and the operator shall make all reasonable efforts to see that no trash or litter originating from the use is deposited on adjacent properties. Employees shall be required to pick up trash or litter originating from the site and within 300 feet of the perimeter of the property on a daily basis.
29. No obnoxious odors shall be generated on the site.
30. Two restrooms shall be made available to the public during hours of operation of the service station.
31. The property owner/applicant shall maintain in good repair all building exteriors, fuel canopy structure, lighting, trash enclosure, drainage facilities, driveways and parking areas.
32. The project shall comply with the requirements of the Hayward Security Ordinance.
33. The applicant/business operator shall not display any illegal banner signs, portable signs or other illegal signs on the property.
34. The owner shall provide and maintain exterior lighting for the establishment, which is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into properties located across "C" Street. Light fixtures mounted beneath the canopy over the pump islands shall be recessed into the ceiling of the structure and shall meet minimum security standards but shall not be over-intensified to the point of providing a hot spot under the structure.
35. The service station management shall provide and maintain interior lighting for the establishment which is adequate for the illumination and protection of the premises and which allows the unaided inspection of personal identification by members of the Hayward Police Department while inside the premises.
36. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by the Uniform Fire Code.
37. The use of exterior loud speakers shall be prohibited.
38. The service station may operate 24 hours a day.
39. The wood fencing along the northerly and easterly property lines shall be removed.
40. Water Pollution Source Control requirements shall include but not be limited to the following:

- a. If there are to be any roof HVAC units, no polluted waters from these units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
- b. All washing operations shall be discharged to the sanitary sewer and not the storm drain. Includes mat cleaning and any washing of the trash area.
- c. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative. This means that if washing takes place in the trash area, the wash water shall be discharged to the sanitary sewer. If this area is covered and protected from storm water runoff, a permit is not necessary. If it is not covered, a permit will be required.
- d. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram per liter oil and grease limit.
- e. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter, etc. shall be picked-up by dry methods and sweeping so as not to pollute stormwater runoff.
- f. All discharges and new connections shall require approval from Water Pollution Source Control.
- g. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit to the maximum extent practicable the entry of pollutants into storm water run-off.

41. The Utilities System requirements shall include but not be limited to the following:

- a. Prior to granting building permit submittal, submit a gallon per minute demand to the Senior Utility Service Representative to determine proper line and meter size and to verify that the existing water meter is adequate for the proposed use.
- b. Install separate irrigation meter to avoid sewer charges on irrigation consumption.
- c. Install reduced pressure backflow prevention assembly for both domestic and irrigation meters, per City Standard Detail SD-202.
- d. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
- e. Water service available subject to standard conditions and fees in effect at time of application

42. Replace existing fuel dispensing area concrete pavement. Fuel dispensing areas shall be paved with Portland concrete, with 2% slope to prevent ponding, and must be separated from the rest of the site by a grade break that prevents run-on of storm water to the extent practicable. The fuel dispensing area is defined as extending a minimum of 6.5 feet from the corner of each fuel dispenser or the length at which the hose and nozzle assembly may be operated plus a minimum of one foot, whichever is more. This shall be accomplished to the satisfaction of the City Engineer prior to issuance of an occupancy permit.

43. Fuel dispensing area shall be covered by extending the roof canopy; the cover's minimum dimensions shall be equal to or greater than the area within the grade break or fuel dispensing area, as defined above. The cover must not drain onto the dispensing area.

This shall be accomplished to the satisfaction of the City Engineer prior to issuance of an occupancy permit.

44. Repair and/or replace any damaged sidewalks that border the project site, to the satisfaction of the Engineering & Transportation Division, prior to issuance of occupancy permits.
45. Applicant/owner shall obtain encroachment permits from the City of Hayward and/or Caltrans for all street, sidewalk, curb and gutter work.
46. Prior to issuance of building permits, the applicant shall submit an on-site recycling plan, which would be implemented during the entire construction phase, for review and approval by the Solid Waste Manager.
47. The applicant shall contact the City's franchised hauler, Waste Management of Alameda County to arrange for delivery of containers with sufficient capacity to store construction materials to be landfilled.
48. The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including but not limited to the following:
 - a. The facility must comply with Uniform Fire Code (UFC) Article 52.
 - b. Fuel dispensing subject to all requirements of the Uniform Building and Fire Codes.
 - c. Fire Extinguisher required per the Uniform Fire Code
 - d. The applicant must notify the Fire Department immediately of any tanks, abandoned piping or contamination if encountered.
 - e. Location of the emergency pump shut-off, to be approved by the Fire Department, shall be shown on detailed site plans. Pump switch plans are to be submitted to the Fire Department.
 - f. If any commercial cooking is to be done a fire protection system is required and must submit specific plans for approval prior to construction.
49. If food is to be prepared on site, a Health Department Permit will be required before issuance of a Building Permit.
50. A copy of these conditions of approval shall be included in and made part of any rental and/or lease agreement for the subject site and shall be posted alongside the necessary business license and be visible at all times to employees and patrons.
51. Violation of these conditions is cause for revocation of the use permit after public hearing before the duly authorized review body.
52. If it comes to the attention of the Director of Community and Economic Development/Planning Director that there are problems occurring as a result of the gasoline station, the Director may call this use permit application up to the Planning Commission for consideration of imposing additional conditions or restrictions.